

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LASHAUNNA AIKENS,)	
)	
Plaintiff,)	Civil Action No. 16-395
)	
v.)	Judge Cathy Bissoon
)	
WESTERN PSYCHIATRIC INSTITUTE)	
AND CLINIC OF UPMC,)	
)	
Defendant.)	

ORDER OF DISMISSAL

Having been granted leave to proceed *in forma pauperis* (“IFP”), Plaintiff is subject to the screening provisions in 28 U.S.C. § 1915(e). *See Atamian v. Burns*, 2007 WL 1512020, *1-2 (3d Cir. May 24, 2007) (“the screening procedures set forth in [Section] 1915(e) apply to [IFP] complaints filed by prisoners and non-prisoners alike”) (citations omitted). Among other things, that statute requires the Court to dismiss any action in which subject matter jurisdiction is lacking and/or the plaintiff has failed to state a claim upon which relief may be granted. *See Muchler v. Greenwald*, 624 Fed. Appx. 794, 796-97 (3d Cir. Aug. 18, 2015).

Plaintiff’s Complaint does not identify a source of subject matter jurisdiction. *See id.* (Doc. 4) at ¶ II (form complaint, with boxes stating “[f]ederal question” and “[d]iversity of citizenship” left unchecked). A lack of diversity-of-citizenship is apparent on the face of the Complaint. *Compare id.* at ¶ II.B.1 (Plaintiff is citizen of Pennsylvania) *with id.* at ¶ II.B.2.b (Defendant also citizen of Pennsylvania). Thus, the only possible basis for jurisdiction is federal-question.

The sum total of Plaintiff’s substantive allegations are as follows:

On Dec[ember] 26, 2015[,], I was admitted to [Defendant's facility]. Upon admission[,], I signed my patients rights thus the employee threw them out. [sic] Next I was diagnos[ed] and prescribed medication without a[n] order for [word illegible]. Then my project-housing Security was present for my court hearing, but the University of Pittsburgh's Security had served me with documentation.

Id. at ¶ III; *see also id.* at ¶ II.B.3 (claiming, on these allegations alone, that the amount in controversy is \$5 million).

Assuming Plaintiff purports to bring a civil-rights case under Section 1983, her allegations fail to plausibly establish either of the central tenets addressed in that statute, namely, (1) a violation of federal constitutional or statutory rights, (2) resulting from action taken under the color of state law. *See Elmore v. Cleary*, 399 F.3d 279, 281 (3d Cir. 2005). Otherwise, the Court can fathom no plausible federal claim.

Accordingly, Plaintiff's action is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B). Given the nature of Plaintiff's claims, amendment of her pleadings would be futile, and, therefore, the dismissal is **WITH PREJUDICE**. *See Muchler* at 799 (applying futility standard within context of Section 1915(e), and affirming dismissal with prejudice).

Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that any appeal from this Order of Dismissal would not be taken in good faith.

IT IS SO ORDERED.

April 19, 2016

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

LaShaunna Aikens
2340 East Hill Drive, Apt. #13
Pittsburgh, PA 15221